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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

UNITED STATES OF AMERICA,	)	No. CR-08-00901 SBA
	)	
Plaintiff,	)	STIPULATED REQUEST TO CONTINUE
	)	HEARING DATE TO MARCH 17, 2009
v.	)	AND TO EXCLUDE TIME UNDER THE
	)	SPEEDY TRIAL ACT AND ORDER
	)	
FERNANDO GONZALEZ-VERGARA,	)	
	)	Date: March 3, 2009
Defendant.	)	Time: 9:00 a.m.
	)	
	)	

The above-captioned matter is set on March 3, 2009 before this Court for a motion or trial setting. The parties jointly request that this Court continue the matter to March 17, 2009 at 9:00 a.m. and that the Court exclude time under the Speedy Trial Act, 18 U.S.C. §§ 3161(H)(8)(A) and (B)(iv), between the date of this stipulation and March 17, 2009.

This is an illegal reentry case, and Mr. Gonzalez has been offered a fast-track plea agreement. The current status of the case is that Mr. Gonzalez has rejected that fast-track offer and his counsel needs additional time (1) to discuss the plea agreement with Mr. Gonzalez with hope that he will reconsider and (2) to research and investigate the underlying facts of the case to determine if there are any pretrial motions that can be filed.

The requested continuance will allow the defense to complete its investigation of the

1 underlying facts of the case, and to obtain and review necessary records to determine if there are  
2 any motions. The collection and review of records is thus necessary to the defense preparation  
3 of the case. The failure to grant such a continuance would unreasonably deny counsel for the  
4 defendant the reasonable time necessary for effective preparation, taking into account the  
5 exercise of due diligence.

6 Additionally, both counsel for the government and defense counsel will be in trial before  
7 Judge Jensen and unavailable on March 3, 2009.

8 The parties further stipulate and agree that the time from March 3, 2009 to March 17,  
9 2009, should be excluded in accordance with the provisions of the Speedy Trial Act, 18 U.S.C.  
10 §§ 3161(h)(8)(A) and (B)(iv) for adequate preparation of counsel and for continuity of counsel.

11  
12 DATED: February 20, 2009

\_\_\_\_\_  
/S/  
CHINHAYI COLEMAN  
Assistant United States Attorney

13  
14 DATED: February 20, 2009

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/S/  
ANGELA M. HANSEN  
Assistant Federal Public Defender

**ORDER**

Based on the reasons provided in the stipulation of the parties above, the Court hereby  
FINDS:

1. The ends of justice served by the granting of the continuance from March 3, 2009 until March 17, 2009, outweigh the best interests of the public and the defendant in a speedy and public trial because counsel for the defense needs additional time to research and investigate the underlying facts of the case to determine if there are any pretrial motions that can be filed,

2. Given counsel's need to complete an investigation and to obtain additional records, the failure to grant the requested continuance would unreasonably deny the defendant's counsel the reasonable time necessary for effective preparation, taking into account due diligence,

3. Given that both counsel for the government and defense counsel will be in trial before Judge Jensen and unavailable on March 3, 2009, the failure to grant the requested continuance would unreasonably deny the defendant and the government continuity of counsel,

Based on these findings, IT IS HEREBY ORDERED that time is excluded under the Speedy Trial Act, 18 U.S.C. §§ 3161(H)(8)(A) and (B)(iv) from the date of this Stipulation to March 17, 2009.

IT IS FURTHER ORDERED that the MOTION or TRIAL SETTING date of March 3, 2009, scheduled at 9:00 a.m., before the Honorable Saundra Brown Armstrong, is vacated and reset for March 17, 2009, at 9:00 a.m.

DATED: 2/25/09

  
HON. SAUNDRA BROWN ARMSTRONG  
United States District Judge